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CLIFFORD CHANCE US LLP
200 PARK AVENUE
NEW YORK NY 10166

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OFFICE OF PETITIONS

In re Application of
John K. Brixius, James G. Schaadd, David W.
George, and Robert J. Dent
Application No. 10/043,554
Filed: January 11, 2002
Attorney Docket No. 3499-097
Title: METHOD AND SYSTEM FOR
VENTURE CAPITALIST DISTRIBUTION
OF STOCK

DECISION NOTING JOINDER AND
DISMISSING PETITION UNDER
37 C.F.R. §1.47(a) AS MOOT

This is in response to the renewed petition under 37 C.F.R. 1.47(a)¹, filed December 17, 2002.

The renewed petition is **DISMISSED AS MOOT**.

On January 11, 2002, the application was deposited, identifying John K. Brixius, James G. Schaadd, David W. George, and Robert J. Dent as joint inventors. The application was deposited without a fully executed oath or declaration. On February 11, 2002, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that an executed oath or declaration and a surcharge of \$130.00 were required. This Notice set a two-month period for reply.

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (6) a declaration which complies with 37 CFR §1.63.

In reply, applicant filed the original petition (and fee) on August 19, 2002. In a decision mailed on November 14, 2002, the original petition was dismissed for failure to submit proof that the non-signing inventor was provided with the opportunity to review complete copies of the application.

With the instant petition, a fully executed declaration was filed, obviating the need for a petition. As such, this renewed petition is dismissed as moot.

After this decision is mailed, the application will be forwarded to Technology Center 2100 for further processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanowski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy